

REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~ APPEALS ~

Friday March 22, 2019
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

MINUTES

Members present: Chairman Mark Liotta, Commissioner Jordan Russell and Commissioner Megan Tilly.

Staff present to support the Commission: Lindsey Christopher, Dana Esparza and Monica Pack.

STATEMENT OF OKLAHOMA OPEN MEETING LAW COMPLIANCE

Chairman Liotta stated the administrative meeting was being held in compliance with the Open Meetings Act.

CALL TO ORDERPresiding Appellate Officer, Chairman Liotta

Call to order 9:00 a.m. by Chairman Liotta, Presiding Appellate Officer.

ROLL CALLPresiding Appellate Officer, Chairman Liotta

After the roll call was taken, Chairman Liotta announced the presence of a Quorum.

A. MINUTES:

- The drafted Minutes of the Regular Appeal Meeting of February 22, 2019 were considered for approval.

Chairman Liotta presented the minutes of the Regular Appeal Meeting of February 22, 2019 Meeting for approval.

Motion: Commissioner Tilly made a motion to approve the minutes of the Regular Appeal Meeting of February 22, 2019.

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: MINUTES APPROVED

B. Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges

1. Ricardo Cervantes v. Multiple Injury Fund File #CM2016-05575AMIF

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. James G. Devinney represented the Claimant. Heather Fagan represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to remand the Administrative Law Judge's Order and authorize the Commission's Presiding Appellate Officer to sign and file an order remanding for clarification as to the IME opinion and PTD status.

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER REMANDED

2. Leonard Frank Goodbear Jr. v. Genara DeLeon Trucking & CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2017-04716X

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. John P. Melot is the attorney of record for the Claimant and John S. Oldfield Jr. is the attorney of record for the Respondent.

The parties submitted this case on the record via Joint E-mail correspondences to the Commission.

Motion: After reviewing the record and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

3. Gail Lee Ross v. Multiple Injury Fund File #CM2015-03929AMIF

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Laura Beth Murphy represented the Claimant and Heather Fagan represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take preliminary action to reverse the Administrative Law Judge's order and instruct Appellate Counsel or other staff member to draft a proposed order to be considered at a future meeting.

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER REVERSED

4. Jesse Easter v. McCartney Welding LLC & CompSource Mutual Ins Co. (FKA CompSource Oklahoma)., File #CM2017-06877X

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. James G. Devinney represented the Claimant and Dan M. Caldwell represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

5. John F. Simmons v. Multiple Injury Fund , File #CM2017-01425KMIF

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Ray Lahann represented the Claimant. Heather Fagan represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

6. Rick Langkamp v. Mayes Emergency Service Trust Authority & CompSource Mutual Ins. Company (FKA CompSource Oklahoma), File #CM2016-02180F

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. Ben Oxford represented the Claimant. Edward Main represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Tilly

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

7. Patty J. Justus v. INCA Community Services Inc., & CompSource Mutual Ins. Company (FKA CompSource Oklahoma) File #CM2014-09960X

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Greg A. Barnard represented the Claimant and Ronald V. Frangione represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to take this case under advisement.

Second: Commissioner Tilly

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

8. Stephanie T. Adkins v. Lowes Home Centers LLC (Own Risk #18931), File #CM2017-07709J

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Gary G. Prochaska represented the Claimant and Jennifer Ahrend represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take this case under advisement.

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

C. Commission Consideration of Adoption of Final Orders in the Following Cases:

1. James E. Dunlap v. MITF, File # CM2015-08328XMIF

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Joe Farnan represented the Claimant. Michael Fagan represented the Respondent.

This case came on for Oral Argument on November 30, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement. A proposed order has been distributed to the Commissioners for consideration of adoption.

2. Billy J. Schmidt v. MITF, File #CM2016-02288JMIF

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Joe Farnan represented the Claimant and Michael Fagan represented the Respondent.

This case came on for Oral Argument on November 30, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement. A proposed order has been distributed to the Commissioners for consideration of adoption.

3. Alicia A. Breuer v. Bounce Back Rehab PLC, & State Farm Fire and Casualty Co., File #CM2017-02739F

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Pam Cornett represented the Claimant. Norman Lemonik represented the Respondent.

This case came on for Oral Argument on February 1, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the

Commission took preliminary action to reverse the Administrative Law Judge's order and instruct Commission Counsel or other staff member to draft a proposed order to be considered at a future meeting.

4. Dustin Wilson V. Dirt Wurx LLC, CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2018-00497R

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Robert A. Flynn represented the Claimant and Blake I. Whitten represented the Respondent.

This case came on for Oral Argument on February 1, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took preliminary action to reverse the Administrative Law Judge's order and instruct Commission Counsel or other staff member to draft a proposed order to be considered at a future meeting.

5. Crescencio Rodriguez v. Trinity Industries Inc. & Ace American Insurance Co. File #CM2016-07223L

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Craig R. Armstrong represented the Claimant and Travis A. Fulkerson represented the Respondent.

This case came on for Oral Argument on February 22, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

6. Shawna L. James v. Braums Ice Cream & Dairy Stores (Own Risk #13610), File #CM2017-02909L

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Eric W. Quandt represented the Claimant. Travis A. Fulkerson represented the Respondent.

This case came on for Oral Argument on February 22, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took preliminary action to affirm the Administrative Law Judge's Order and instruct Appellate Counsel or another staff member to draft a proposed order for consideration at a future meeting.

Motion: Commissioner Tilly moved to continue agenda items 1 through 6 to the next appellate docket.

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: REMAINING ORDERS CONTINUED

D. Announcements

The Commission's next regular business meeting is scheduled for Thursday, April 18, 2019. The Commission's next regular appeals meeting is scheduled for Friday, April 19, 2019.

ADJOURNMENT

Motion: Commissioner Tilly moved to adjourn the meeting at approximately 4:09 p.m.

Second: Commissioner Russell

Those Voting Aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.